

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID HAROLD HANSON,

Plaintiff,

vs.

Civ. No. 19-1124 GBW/KK

FORREST FENN,

Defendant.

**ORDER STRIKING “ANSWER AND CROSS-CLAIM
OF BRIAN ERSKINE AS INTERVENOR-DEFENDANT”**

THIS MATTER is before the Court *sua sponte* on its review of the docket. Plaintiff filed his Complaint against Defendant on December 2, 2019. (Doc. 1.) On December 20, 2019, Brian Erskine filed a Motion to Intervene. (Doc. 9.) On December 30, 2019, Mr. Erskine filed a document he titled “Answer and Cross-Claim of Brian Erskine as Intervenor-Defendant.” (Doc. 12.) Mr. Erskine’s Motion to Intervene (Doc. 9) has not been ruled on by the Court and remains pending. Therefore, the Court will strike his premature “Answer and Cross-Claim” as improperly filed. However, to the extent that Mr. Erskine intended to make his proposed answer and crossclaim an exhibit to his Motion to Intervene as the “pleading that sets out the claim or defense for which intervention is sought” as required by Federal Rule of Civil Procedure 24(c), he is granted leave to refile it as an exhibit to his Motion to Intervene, on or before March 4, 2020. *See* Fed. R. Civ. P. 24(c) (“A motion to intervene must . . . be accompanied by a pleading that sets out the claim or defense for which intervention is sought.”).

IT IS THEREFORE ORDERED that the “Answer and Cross-Claim of Brian Erskine as Intervenor-Defendant” (Doc. 12) is stricken as improperly filed.

A handwritten signature in black ink, reading "Kirtan Khalsa". The signature is fluid and cursive, with the first name "Kirtan" and last name "Khalsa" clearly distinguishable. It is positioned above a horizontal line.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE